

UNITED STATES DISTRICT COURT

WESTERN

for the
DISTRICT OF

OKLAHOMA

In the Matter of the Search of)
)
 PREMISES KNOWN AS)
)
 1482 NW McIntosh Road)
 Elgin, OK 73538)

Case No: MJ-22-104-STE

APPLICATION FOR SEARCH WARRANT

I, a federal law enforcement officer or attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following Property:

See Attachment A, which is attached and incorporated by reference.

Located in the Western District of Oklahoma, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B, which is attached and incorporated by reference.

The basis for the search under Fed. R. Crim.P.41(c) is(*check one or more*):

- ☒ evidence of the crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

18 U.S.C. §§ 1111 & 1153

Offense Description

Murder in the First Degree

The application is based on these facts:

See attached Affidavit of Special Agent Jesse Stoda, Federal Bureau of Investigation, which is incorporated by reference herein.

- ☐ Continued on the attached sheet(s).
☐ Delayed notice of _____ days is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet(s).

JESSE STODA

Special Agent, Federal Bureau of Investigations

Applicant's signature

Sworn to before me and signed in my presence.

Date: Feb 15, 2022

City and State: Lawton, Oklahoma



Judge's signature

SHON T. ERWIN, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Jesse M. Stoda, a Special Agent of the Federal Bureau of Investigation (FBI), Oklahoma City Division, being duly sworn, state:

AFFIANT'S EXPERIENCE

1. I have been employed as a Special Agent with the FBI since July 2017 and have been assigned to the Oklahoma City Division of the FBI for approximately 6 months. During the past 5 years, I have conducted a wide variety of investigations, including cases involving violent crimes in Indian country.

PURPOSE OF AFFIDAVIT

2. I have probable cause to believe that contraband and evidence of a crime, fruits of a crime, and instrumentalities of violations of Title 18, United States Code, Sections 1111 and 1153 are located within 1482 NW McIntosh Road, Elgin, Oklahoma 73538 ("SUBJECT PREMISES"). I submit this application and affidavit in support of a search warrant authorizing a search of the SUBJECT PREMISES, as further described in Attachments A and B, incorporated herein by reference, which is located in the Western District of Oklahoma as well as a family allotment of land held in trust by the Comanche Nation Tribe. Located within the SUBJECT PREMISES to be searched, I seek to seize evidence, fruits, and instrumentalities of the foregoing criminal violations. I request

authority to search the entire SUBJECT PREMISES, including the residential dwelling, where the items specified in Attachment B may be found, and to seize all items listed in Attachment B as contraband and instrumentalities, fruits, and evidence of crime.

3. Since this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support the issuance of a search warrant.

FACTS AND CIRCUMSTANCES

4. On February 14, 2022, at approximately 11:39 p.m., Comanche Nation Police 911 Center received a distress call from a female at 1482 NW McIntosh Road, Elgin, Oklahoma 73538, (“SUBJECT PREMISES”). The reporting party, later identified as S.T., could be heard repeatedly screaming, “Stop, Johnny!” and “Johnny, stop it!” A male voice can be heard briefly in the background. After approximately one minute, S.T.’s voice fades out.

5. On February 15, 2022, responding officers to the SUBJECT PREMISES from Comanche Nation Police Department were interviewed by the FBI. Upon arrival Johnny Sapcut (Sapcut) met responding officers at the front door, then returned inside the SUBJECT PREMESIS. Officers followed him inside. While inside Sapcut stated, “my grandma’s dead” and “the knife is in there.” Officers recalled Sapcut was covered in blood

while S.T. had suffered multiple lacerations and was unconscious. The officers provided medical care until paramedics arrived. S.T. was later pronounced dead by paramedics. According to the officers, S.T. and Sapcut were the only persons who resided at SUBJECT PREMESIS.


6. On ~~January 24, 2022~~^{FEBRUARY 15, 2022}_{gms}, law enforcement interviewed Sapcut at the Comanche County Sheriff's Department located at 315 SW 5th Street, Lawton, Oklahoma 73501. Law enforcement read aloud the Advice of Rights (Miranda) while Sapcut read along. At the conclusion, Sapcut requested a lawyer and the interview was immediately terminated.

7. During booking, Sapcut stated he lived at SUBJECT PREMESIS. Agents observed blood on Sapcut's clothing and scratches on his body.

8. S.T. and Sapcut are both enrolled tribal members of the Comanche Tribe, a federally-recognized tribe, and are Indians within the meaning of federal law. The SUBJECT PREMESIS is in the Western District of Oklahoma and within the boundaries of the family allotment of land held in trust by the Comanche Nation Tribe. As such, the SUBJECT PREMESIS is Indian country under Title 18 United States Code, Section 1151.

9. Based on the foregoing, there is probable cause to believe that the federal criminal statutes cited herein have been violated, and that the contraband, property, evidence, fruits and instrumentalities of these offenses, more fully described in Attachment B of this Affidavit, are located at the SUBJECT PREMISES, described in Attachment A. I respectfully request that this Court issue a search warrant for the SUBJECT PREMISES, authorizing the search and the seizure of the items described in Attachment B.

Further Your Affiant sayeth not.



Jesse M. Stoda
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this the 15th day of February, 2022, at Oklahoma City, Oklahoma.



SHON T. ERWIN
United States Magistrate Judge

ATTACHMENT A

PROPERTY TO BE SEARCHED

The property to be searched is a single story, single family residence located at 1482 NW McIntosh Road, Elgin, Oklahoma 73538. The house has brick siding with a brown roof, and a front porch. A photograph of the front of the residence is shown below.



ATTACHMENT B

PARTICULAR THINGS TO BE SEIZED

- Any type of knife
- Digital devices, including but not limited to cell phones, reasonably believed to belong to or have been used by the subject or victim
- Blood evidence, to include any items which appear to be stained by blood
- Documentation, writings, or notes that appear to be connected to the crime